

REMARKS

Claims 1-10 and 18, 27, 34 and 35 have been previously canceled. Claims 11, 12, 19, and 28 are amended and no new claims have been added. Thus, claims 11-17, 19-26, 28-33, and 36 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Rejections Under Section 102:

Claims 11-13, and 15, and 19-22 stand rejected under 35 U.S.C § 102(b), the Examiner contending that these claims are anticipated by Smith et al. (USPN 5,523,701)

Applicants' amended claim 11 recites in part:

...inferring a **coal type or a coal quality** of a coal being ground by the mill via the determined electrical draw.

Applicants' amended claim 19 recites in part:

...inferring a **coal type or a coal quality** of a coal being processed via the determined electrical draw.

In contrast, Smith et al. teaches identifying a change in a workpiece material characteristic of a machined part or a machine tool by performing a frequency analysis on an electrical input to a system drive motor (col. 4, lines 20-26) but is silent as to “...**inferring a coal type or a coal quality**...” as recited in claims 11 and 19. Furthermore, Applicants respectfully submit that a coal type or coal quality is inherently different and separate from the workpiece material characteristic taught by Smith et al.

MPEP 2313 states “TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM.” Claims 11 and 19 are not anticipated by the ‘701 reference as discussed above. Furthermore, claims 12-13 and 15 which depend on claim 11 and claims 20-22 which depend on claim 11 are also patentable at least based on their dependence from claims 11 or 19 as well as based on their own merits. Therefore, Applicants respectfully request that the Examiner withdraw the Section 102 rejections.

Response to Rejections Under Section 103:

Claims 14, 16, 17, 23-26, 28-33 and 36 stand rejected under 35 U.S.C § 103(a) as being obvious over Smith et al., stating the limitations in the above claims being obvious design choices.

Applicants' respectfully submit that claims 14, 16-17 and 23-26 are patentable at least based on their dependence from claims 11 or 19 as well as based on their own merits.

Claim 28:

Amended independent claim 28 recites significant process or structural limitations that are not taught or suggested in the prior art and go far beyond mere design choice. In particular, amended claim 28 requires:

...**a further inferring device that infers a coal type or a coal quality** of a coal being processed via the determined electrical draw.

In contrast, Smith et al. is directed toward machine tool performance monitoring, specifically machine tool drive and cutter condition monitoring. (col. 1, line 65 to col. 2, line 12). Applicants' respectfully submit that Smith et al. is silent as to teaching or suggesting "**a further inferring device**" or inferring "**a coal type or a coal quality** of a coal being processed via the determined electrical draw" as recited in claim 28.

In light of the preceding amendments and arguments, Applicants' respectfully submit that independent claims 11, 19 and 28 are patentable and claims 14, 16, 17, 23-26, 29-33, and 36 are also patentable at least based on their dependence from claims 11, 19 or 28 as well as based on their own merits. Therefore, Applicants respectfully request that the Examiner withdraw the Section 103 rejections.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper to Deposit Account No. 19-2179.

Respectfully submitted,

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